

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(NEWARK)

2017 APR 28 P 4: 07

RAHMAN FULTON

V.

UNITED STATES OF AMERICA

CASE NO. 13-261

SRC

Petitioner Mr. Rahman Fulton requests that this Honorable Court take judicial notice, pursuant to
Federal Rules of Evidence 201 d

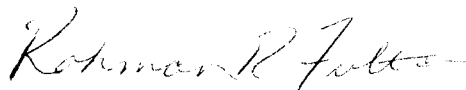
Your Honor,

Defendant Petitioner Mr. Rahman Fulton, requests that this Honorable Court take judicial notice of rules of Civil Procedure 12 b 1 when considering Petitioner's recent motion to dismiss for lack of subject matter jurisdiction, which was filed by Petitioner Fulton. The Government recently asked his court to construe this motion as a Section 2255, when actually this court has jurisdiction to entertain this motion on its face under the language of Federal rules Civil Procedure 12 b 1.

Petitioner has brought before this court the proper channels to its subject matter jurisdiction, under 12 b 1 where motion to dismiss can be brought at any time during the litigation process, so as the Government argues is still ongoing. The language of this rule also states that the Court may dismiss a case, Sua Sponte, or in other terms, on its own for lack of subject matter jurisdiction. Petitioner argues that at the moment the robbery occurred and possession of the currency was transferred, any claim or interest by the FDIC ceased once the teller handed over the funds. At that moment any liability or claim involving these funds was assumed by PNC Wealth Management or some other Insurance Provider which was not cited in the indictment nor submitted to the jury as the actual injured party, which in no way is permitted in Article 3. United States District Court can in no way adjudicate a case or controversy where the United States of America is not the injured party.

Petitioner asks that this court set aside the U.S. Attorney's response to the Petitioner's challenge and issue an order finding that under the circumstances the United States of America lacks standing to prosecute Mr. Fulton in this matter and release Petitioner forthwith.

Respectfully Submitted,



Rahman Fulton

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